

CHILD MAINTENANCE

WHAT IS CHILD MAINTENANCE?



FOOD



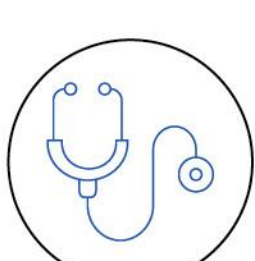
CLOTHES



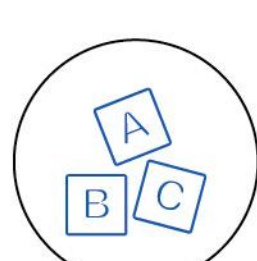
HOUSING



LOVE



MEDICAL CARE



EDUCATION

WHICH PARENT MUST SUPPORT THE CHILD?

Both parents must support their child. Support is worked out proportionately to what they can afford. If the father, for example, is better off financially, it doesn't mean that the mother doesn't have to contribute to the maintenance of their child at all. The duty rests on both parents.

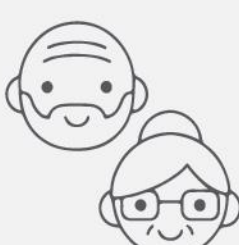
WHEN DOES THE DUTY END?

The duty to pay maintenance continues regardless of age until the child becomes self-supporting. That means maintenance may be payable after the child reaches the age of 18 years.



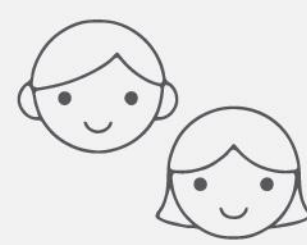
A child has the right to be maintained by both parents. Yip, that means that both parents have a duty to maintain their child in accordance with their respective means.

WHAT IF NEITHER PARENT CAN SUPPORT OR MAINTAIN THEIR CHILD?



GRANDPARENTS

If neither parent can't support or maintain the child, the duty passes on to the grandparents (maternal/paternal).



SIBLING

If neither parents nor grandparents can support or maintain the child, the duty passes on to the child's siblings (brothers, sisters, half-brothers, half-sisters).

THE MAINTENANCE APPLICATION



GO TO THE MAINTENANCE COURT

Go to the Maintenance Court, closest to where you live and work. TAKE WITH YOU: 3 month's bank statements, proof of all expenses, address of the other parent, your ID and birth certificate of the child.



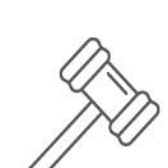
COMPLETE AND SUBMIT FORM A: APPLICATION FOR A MAINTENANCE ORDER

You and the other parent will receive a date to appear before the Maintenance Officer. If one does not appear, the court can warrant an order for arrest. If the other parent can not attend the enquiry, written proof and a postponement request must be sent to the Maintenance Officer.



AGREEMENT TO PAY MAINTENANCE AS CLAIMED

If the other parent agrees to pay the maintenance as claimed, a Magistrate will review the document and make the consent an order of court.



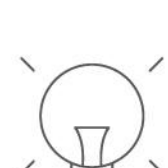
FAILURE TO CONSENT TO MAINTENANCE

If the other parent refuses to pay maintenance, he/she must appear in court to provide evidence. If the court finds the parent liable, maintenance payments must be made.



PAYMENT OF MAINTENANCE MONEY

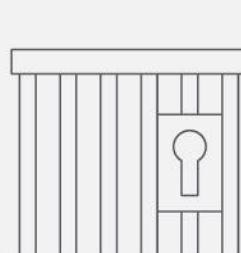
The court may order the other parent to pay maintenance directly into your bank account, to the local Magistrate's Office for you to collect or may issue a garnishee order.



TIP

Any parent can apply for an increase/decrease in maintenance at the Maintenance Division of the Magistrate Court.

FAILURE TO PAY MAINTENANCE



It is a criminal offence to stop paying maintenance and a parent can be fined or imprisoned for up to 1 year. The parent can also be blacklisted.



If the other parent fails to obey the maintenance order, you can complain at your local Magistrate's Court or at SAPS.

TIP : If you cannot afford payments or become unemployed, you have to inform the court of your situation.

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